

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD.

SPECIAL CIVIL APPLICATION NO 3973 OF 1998

For Approval and Signature :

Hon'ble MR. JUSTICE S.K.KESHOTE

1. Whether Reporters of Local Papers may be
allowed to see the Order ?

2. To be referred to the Reporter or not?

3. Whether Their Lordships wish to see the
fair copy of the Order ?

4. Whether this case involves a substantial
question of law as to the interpretation of
the Constitution of India, 1950 of any Order
made thereunder?

5. Whether it is to be circulated to the Civil
Judge?

TALOD NAGAR PANCHAYAT

VERSUS

THE STATE OF GUJARAT & ORS.

Appearance:

MR VC DAVE for the Petitioner.

MR HH PATEL for the Respondents

CORAM : MR JUSTICE S.K. KESHOTE

Date of Judgment :26/07/1999

C A V JUDGMENT

#. Heard learned counsel for the parties.

#. The petitioner Talod Nagar Panchayat, by this petition under Article 226 of the Constitution of India, prays for direction to the respondent No.1 to 3 to give to the employees of the petitioner the difference of pay of Rs.27,31,000/- w.e.f. 1/1/1986 to 31/12/1997 in pursuance to the implementation of the judgment and order made by this Hon'ble Court on 15/8/1997 in special civil application No.427/92 and cognate matters. The second prayer made is for the direction to the respondent Nos. 1 to 3 to allot the grant of Rs.27,31,000/- to the petitioners for payment of difference of pay w.e.f. 1/1/1986 to 31/12/1997 for the implementation of the judgment of this court aforesaid. In the order dated 15/8/1997 of this court given in special civil application No.427/92 and cognate matters the State of Gujarat was directed in terms in which the writ was issued by the Division Bench of this court in R.K.Soni's case so as to extend the benefits relating to equation of posts, promotions, fixations of pay scales and, revision thereof on the basis of Serala and the Desai Pay Commissions. It has further been directed that the State of Gujarat shall carry out these directions at the earliest but in no case later than 31st January, 1998.

#. In the writ petition aforesaid, the petitioner was not the petitioner. The respondent No.4 was the petitioner. These directions were not given by this court in its earlier judgment against the petitioner. So, if those directions were not complied with by the State Government, I fail to see how the petitioner can be said to be of an aggrieved person. These directions are given to the State Government for the benefit of the employees but, if those directions were not complied with there may be some semblance of justification in case those petitioners approach this court. These are the service matters in which the effected persons are to make the complaint in the appropriate forum. The petitioner in this matter has no locus standi to approach to this court. No such direction can be given as what are being prayed for in this special civil application. If the petitioner is worried about its employees and it is interested to give them the benefits of fixation of their pay in the revised pay scale as revised from time to time for which it can pay from its own pocket and pray for the reimbursement from the State Government but, this writ petition for the enforcement of that order passed by this court in the earlier proceedings at the instance of the petitioner is difficult to appreciate. Even if the order of this court is not complied with still this writ petition filed by the petitioner is not maintainable.

The order of this court has to be executed by the respondent-State and for which the second petition is not an appropriate remedy. If the order of this court is not complied with then the persons, who are effected i.e. the petitioners in the previous petition may approach to this court by filing contempt petition etc. or any other appropriate petition or application but at the instance of petitioner, no such relief can be granted.

This writ petition is wholly misconceived and the same is dismissed. Rule discharged. Interim relief, if any, granted by this court shall stand vacated. No order as to costs.

(S.K.Keshote, J.)

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